

9:00 a.m.  
July 25, 2000

MINUTES -REGULAR MEETING

Evergreen Plaza Bldg. Room 206  
711 Capitol Way South  
Olympia, Washington

COMMISSION MEMBERS PRESENT

Ronda Cahill, Chair  
Christine Yorozu, Vice Chair  
Gerry Marsh, Secretary  
Susan Brady, Member  
Richard C. Locke, Member

STAFF PRESENT

Vicki Rippie, Executive Director  
Susan Harris, Assistant Director  
Michael Smith, Chief Technology Officer  
Nancy Krier, Asst. Attorney General  
Steve Reinmuth, Asst. Attorney General  
Ruthann Bryant, Secretary

The regular meeting of the Public Disclosure Commission was called to order by Commission Chair Ronda Cahill at 9:00 a.m. in the Evergreen Plaza Building, Room 206, Olympia, Washington.

Minutes

Moved by Commissioner Brady, seconded  
by Commissioner Marsh:

**Motion 01-001**

**The Commission adopts the minutes  
of the special meeting of June 29,  
2000, as written.**

The motion passed unanimously.

Citizen Comments/Concerns

No citizen comments or concerns were expressed.

Commissioner Comments

Commissioner Cahill introduced and welcomed  
new Commissioner Richard C. Locke of Richland.

Commissioner Locke commented that he has  
been a resident of Washington for 40 years, has a

degree in city planning and is excited about being a part of, and contributing to, the Commission.

Commissioner Cahill also noted that over the past month, she participated in the JLARC Entrance Conference requested by Lynda Byers and Ron Perry of JLARC staff. She and Vicki Rippie also met with Senators Julia Patterson and Jim Horn to discuss the implementation of Senate Bill 6775. Commissioner Cahill is in the process of putting together information for management staff performance reviews.

Also, Commissioner Cahill thanked Ruthann Bryant for standardizing the Kimura Protocol, Phil Stutzman and Bob Bennett for putting together a name index on-line for pending investigations, Bruce Wendler and Michael Smith for setting up the new meeting room, and Ms. Rippie for her efforts on JLARC and the budget.

#### Advisory Matters

Application of RCW 42.17.130 and  
.530 to Judicial Candidates

Ms. Harris reported on the issue of the application of Chapter 42.17 RCW to judicial candidates wearing robes in campaign advertising, a concern brought forward by Mary McQueen, Administrator for the Courts. Ms. Harris noted that this had been discussed at the May 23, 2000 Commission meeting with Assistant Attorney General Jean Wilkinson and the Commission instructed the Attorney General's Office and staff to research the issues more thoroughly.

Based on Ms. McQueen's response and on case law, staff recommends that the Commission adopt the following interpretation:

- a) It is not a violation of RCW 42.17.130 for district and municipal court judges to wear judicial robes in campaign advertising;
- b) It is not a violation of RCW 42.17.130 for district and municipal court judges to pose for a campaign photograph in a courtroom or while sitting on a courtroom bench if those facilities

are available on a non-discriminatory, equal access basis to all persons asking for the same privilege; and

- c) RCW 42.17.530 does prohibit a candidate for any judicial office from falsely representing him or herself as the incumbent by wearing a judicial robe in campaign advertising if he or she is not, nor has been, a member of the judiciary.

Assistant Attorney General Nancy Krier provided the Commission with a draft copy of the interpretation along with copy of an annual memo written by Jim Pharris of the Attorney General's Office to all state agencies regarding the use of public facilities to support or oppose candidates or ballot measures.

Commissioner Yorozu requested that staff place a link on the PDC website to this memo.

**MOTION 01-002**

Moved by Commissioner Yorozu, seconded by Commissioner Brady:

**The Commission adopts PDC Interpretation 00-03 Use of Robes in Campaign Literature By District and Municipal Court Judges and Use of Courtrooms in Campaign Literature by District and Municipal Court Judges.**

The motion passed unanimously.

**Commercial Loans to a  
Candidate**

Doug Ellis reported on the Commission's request, at the January 25, 2000 meeting, for a formal Attorney General's Opinion regarding Commercial Loans to Candidates and Candidate Committees. The opinion affirmed the Commission's position on commercial loans to candidates under PDC Interpretation 96-02.

Mr. Ellis added that staff has begun stakeholder outreach on the issue to include a notice to candidates, campaign consultants and political

party committees. Staff will also attend summer meetings of financial institution associations to disseminate the information.

Commissioner Cahill requested that the AGO and the Interpretation be posted on the PDC website as an alert and that the memo to candidates become an annual memo in an effort to reach new candidates each year.

Nancy Krier reported that the language in the 1996 Interpretation includes a presumption that a loan obtained by a candidate's authorized committee is guaranteed by the candidate, noting that this presumption is rebuttable based on each particular case.

The Commission approves the stakeholder process and authorized staff to move forward with the rule-making process regarding Interpretation 96-02.

#### Rule-Making

Mr. Ellis reported on possible permanent adoption of eleven rules.

#### New

*Goals Regarding Access to Campaign and Lobbying Reports* – Senate Bill 6775 set out new public access goals for 2001 and 2002 and directs the Commission to adopt the access goals in rule. Currently the goals are:

Electronic Filing – PDC office within 2 days  
PDC website within 7 days

Paper Filing – PDC office within 4 days  
PDC website within 14 days

Under SB 6775 these goals are changed on January 1, 2001 to:

Electronic Filing - PDC office within 2 days  
PDC website within 4 days

Paper Filing - PDC office within 4 days  
PDC website within 7 days

On January 1, 2002, the goals are:

Electronic Filing – PDC office and web site within  
2 days

Paper Filing – PDC office and web site within  
4 days

*Reporting of Field Trips and Other Excursions* – at the April 25, 2000 meeting, the Commission adopted PDC Interpretation 00-01 effective July 1, 2000, and directed staff to begin the formal rule making process with respect to the interpretation.

#### Amendments

*WAC 390-24-010 Forms for Statement of Financial Affairs and WAC 390-24-020 Forms for Amending Statement of Financial Affairs* (PDC Forms F1 and F1A) – eliminate the need to identify dependent children who are not employed and do not have other reportable assets or liabilities.

*L1- Lobbyist Registration Form* – add space to include business, cell phone and pager numbers along with the email and business address instead of home address.

*WAC 390-18-010 Political Advertising. Identification of Sponsor* – eliminate the need for sponsor identification to be in a printed or drawn box and to have the sponsor identification appear on only the first page instead of each page of the advertising. Add language emphasizing that the political advertising provisions in RCW 42.17.505 through .550 apply to political advertising appearing on the Internet.

*WAC 390-13-010 Optional Format for Requests for Lists of Individuals* – eliminate the hold harmless agreement section for affidavits from persons making requests for public records containing lists of individuals.

*WAC 390-16-011 and WAC 390-16-012 Registration Statements for Political Committees*

*and Candidates* – adopt the language of the recently approved emergency rules on a permanent basis.

*WAC 390-16-044 Statewide ballot issue signature gathering expenses; reporting* – repeal this rule as it implements statutory language that has been found unconstitutional.

**Motion 01-003**

Moved by Commissioner Marsh, seconded by Commissioner Yorozu:

**The Commission authorizes staff to move forward with the rule-making process.**

The motion passed unanimously.

Administrative Policy

Karen Copeland reported on a draft Internet/Intranet Policy to formally establish the Commission's position on the use of the internet/intranet by Public Disclosure Commission employees. She noted that all employees will receive a copy of the policy and attachment and they will be asked to sign a statement saying that they have read the policy, they understand the policy and the WAC and that they will abide by it.

Commissioner Cahill requested a copy of the signed statement be given to each employee and placed into their respective personnel files.

Commissioner Yorozu expressed concern as to how an employee could protect himself if they were to receive an email that is not appropriate or work related.

Ms. Rippie replied that the employee could send back an email stating that they do not wish to receive such information at work, or make a note of the email address of the sender and respond later from home.

Michael Smith added that steps are currently being taken to implement a checkpoint firewall, which will monitor all traffic to and from the

agency. This traffic will be logged, monitored and reported on a periodic basis.

Commissioner Locke suggested that the policy reflect the fact that technology is in place to monitor what employees are doing on their desktop computers.

The Commission concurs with the Internet/Intranet Policy and authorizes staff to implement it immediately.

Staff Reports

Executive Director

Vicki Rippie updated the Commission on the status of the FY2000 budget noting that one-half of any remaining money will be placed into the agency's incentive savings account for future one-time expenditures. She also reported on the status of the JLARC information request and the progress report presented at the meeting with Senators Patterson and Horn.

Assistant Director

Susan Harris reported on the volume of reports received and the number of days until filings are available on the Internet.

Ms. Harris also reported on the vacancies in the compliance division, noting that interviews are currently underway for the Investigator 2 position and the register is open for the Political Finance Specialist and the Senior Political Finance Specialist positions. Currently the goal is to fill three positions by the end of August.

She commented that brief enforcement hearings will be held in August for Lobbyist Employers who failed to file their L3 report and approximately 800 reminder letters will be mailed out to candidates who failed to file their Statement of Financial Affairs by the April 15, 2000 deadline.

Chief Technology Officer

Michael Smith updated the Commission on the status of the new imaging system and database implementation.

Assistant Attorney General

Nancy Krier summarized the status of pending litigation.

Request for Reconsiderations

*Holakou Amidi-Rad*

*Case #98-277*

Ms. Harris reported that a brief enforcement hearing was held on January 28, 1998 in which Mr. Amidi-Rad was found in violation of RCW 42.17.240 for failure to timely file the Statement of Financial Affairs. He was assessed a penalty of \$100. The report was filed January 28, 1998.

Mr. Amidi-Rad was present and reported that no one informed him that he had to file an F1 report and when he previously ran for office, he wasn't required to file the F1. When he learned that he needed to file, he did so. He does not believe he should have to pay a penalty for something he knew nothing about.

There was no motion to reconsider.

*Dawn Ford, case #00-430*

Ms. Harris reported that a brief enforcement hearing was held December 9, 1999 in which Ms. Ford was found in violation of RCW 42.17.240 for failure to file a Statement of Financial Affairs. She was assessed a penalty of \$500 with \$450 suspended based upon the conditions set out in the order.

There was no motion to reconsider.

*David Muresan, case #00-641*

Ms. Harris reported that a brief enforcement hearing was held on December 16, 1999 in which Mr. Muresan was found in violation of RCW 42.17.050 and .240 for failure to timely file a Candidate Registration and the Statement of Financial Affairs. He was assessed a penalty of \$50. Both reports were filed December 6, 1999.

There was no motion to reconsider.

*Larry Peterson, case #00-689*

Ms. Harris reported that a brief enforcement hearing was held on December 9, 1999 in which Mr. Peterson was found to have violated RCW



42.17.050 for failure to timely file a Candidate Registration. He was assessed a penalty of \$500 with \$450 suspended based upon the conditions set out in the order.

There was no motion to reconsider.

*Martin Ringhofer, case #00-731*

Ms. Harris reported that a brief enforcement hearing was held on December 9, 1999 in which Mr. Ringhofer was found to have violated RCW 42.17.050 and RCW 42.17.240 for failure to timely file a Candidate Registration and Statement of Financial Affairs. He was assessed a penalty of \$50 with \$50 suspended. Both forms were filed December 1, 1999.

There was no motion to reconsider.

*Michael Stoney, case #00-793*

Ms. Harris reported that a brief enforcement hearing was held December 9, 1999 in which Mr. Stoney was found to have violated RCW 42.17.240 for failure to timely file a Statement of Financial Affairs. He was assessed a penalty of \$500 with \$450 suspended based upon the conditions set out in the order.

Mr. Stoney provided a letter from the Grays Harbor County Auditor's Office in which the auditor's office stated that they did not inform Mr. Stoney of the requirement to file a Statement of Financial Affairs.

**Motion 01-004**

Moved by Commissioner Marsh, seconded by Commissioner Brady:

**The Commission sustains the violation of RCW 42.17.240 against Michael Stoney, case #00-793, and waives the penalty of \$500.**

The motion passed unanimously.

*Kasey Studeman, case #00-796*

Ms. Harris reported that a brief enforcement hearing was held December 9, 1999 in which Mr. Studeman was found to have violated RCW

42.17.240 for failure to timely file a Statement of Financial Affairs. The form was filed December 20, 1999.

Mr. Studeman provided a letter from the Lewis County Auditor's Office in which the auditor's office indicated that it was possible he was not told of the requirement to file a Statement of Financial Affairs.

**Motion 01-005**

Moved by Commissioner Marsh, seconded by Commissioner Yorozu:

**The Commission sustains the violation of RCW 42.17.240 against Kasey Studeman, case #00-796, and waives the penalty of \$500.**

The motion passed unanimously.

Request for Review

*Timothy Barclay, case #00-286*

Ms. Harris reported that a brief enforcement hearing was held December 9, 1999 in which Mr. Barclay was found to have violated RCW 42.17.050 for failure to file a Candidate Registration. He was assessed a penalty of \$500 with \$450 suspended based upon the conditions set out in the order. The form was filed April 17, 2000.

There was no motion to review.

Enforcement Matter

*Christine Ohlsen and Richard Ridgeway, case #00-866*

Assistant Attorney General Steve Reinmuth summarized the case against Christine Ohlsen for violation of RCW 42.17.130 by using the facilities of the Tumwater Fire Department when she appeared in the No on I-695 television advertisement wearing her official uniform, and Chief Richard Ridgeway for a violation of RCW 42.17.130 when he authorized Ms. Ohlsen to wear her uniform while making the television commercial.

Mr. Reinmuth also reported that both parties have stipulated and staff is recommending acceptance of the facts, violation and proposed penalty for Chief Ridgeway, as follows:

*Richard Ridgeway and the Washington Public Disclosure Commission Enforcement Staff agree that the Statement of Charges contains accurate statements of fact.*

*Ridgeway and Staff agree that the stipulated facts constitute one violation of RCW 42.17.130. Ridgeway contends that the definition of equipment found in RCW 42.17.130 is vague, that before acting he made what he believed were adequate inquiries regarding compliance with RCW 42.17.130 and that he did not knowingly violate the statute.*

*Ridgeway and Staff propose that Ridgeway pay a penalty of \$1,250. Ridgeway and Staff propose that \$1,000 of this penalty be suspended on the conditions that: 1) Ridgeway comply with all requirements of chapter 42.17 RCW for a period of two calendar years from the date of this order; 2) that the City of Tumwater provide training to City management personnel regarding the provisions of RCW 42.17.130 within 90 days from the date of this order; 3) that Commission Staff either approve the training agenda 30 days in advance of the training and/or participate in presenting the training itself; and 4) that Ridgeway pay the non-suspended portion of the penalty with non-public funds within 60 days of the date of this order. If the Commission finds that Ridgeway has violated any of the suspension conditions, Ridgeway shall pay the full penalty of \$1,250.*

*Ridgeway agrees to pay the Commission's reasonable attorneys fees and court costs should a petition for enforcement action be necessary to collect any unpaid penalty under RCW 42.17.397.*

Commissioner Cahill requested that language be added at the end of paragraph 3 (following "pay

*the full penalty of \$1,250”) to specify that the full penalty is to be paid with non-public funds.*

**Motion 01-006**

Moved by Commissioner Marsh, seconded by Commissioner Brady:

**The Commission accepts the Stipulated Facts, Violation and Proposed Penalty in PDC Case #00-866, Richard Ridgeway, with the proviso that if the suspension conditions are violated, Mr. Ridgeway shall pay the full penalty of \$1,250 with non-public funds.**

The motion passed unanimously

Staff is also recommending acceptance of Stipulated Facts, Violation and Proposed Penalty for Christine Ohlsen as follows:

*Christine Ohlsen and the Washington Public Disclosure Commission Enforcement Staff agree that the Report of Investigation contains accurate statements of fact.*

*Ohlsen and Staff agree that the stipulated facts constitute one violation of RCW 42.17.130. Ohlsen and staff agree that the Report of Investigation reflects that Ohlsen requested and received the permission of the Chief of Tumwater Fire Department to use her coat and helmet in connection with the filming of a campaign ad. Ohlsen and staff further agree that there is no evidence that Ohlsen knowingly violated RCW 42.17.130.*

*Ohlsen and Staff propose that Ohlsen pay no penalty.*

**Motion 01-007**

Moved by Commissioner Marsh, seconded by Commissioner Yorozu:

**The Commission accepts the Stipulated Facts, Violation and Proposed Penalty in**

**PDC Case #00-866, Christine Ohlsen, as written.**

The motion passed unanimously.

Mr. Reinmuth noted that the enforcement case against Brian Derdowski has been postponed for a future meeting.

Mr. Reinmuth updated the Commission on the Intercity Transit case in which both parties agreed to a settlement agreement. He reported that both the training session and penalty payments are being monitored. He also noted that the Washington State Patrol is currently investigating potential perjury charges against Susan Hanson, Intercity Transit's former marketing director.

Reporting Modifications

New – Judicial

*Holly Holman, Candidate  
King County Superior Court*

Mr. Stutzman reported that Ms. Holman requests an exemption from reporting the location of her personal residence for personal safety reasons.

Commissioner Yorozu expressed concern with granting reporting modifications from reporting personal residence addresses since there are many candidates for public office, and requested staff to compile a listing of modifications granted including reasons for the modification.

**Motion 01-008**

Moved by Commissioner Locke, seconded by Commissioner Brady:

**The Commission grants the reporting modification for Holly Holman, as requested.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant**

**and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

*Douglas Shafer, Candidate  
Supreme Court Justice*

Mr. Stutzman reported that Mr. Shafer requests an exemption from reporting the business customers of Vancouver Door Company, Inc., of which he is on the board of directors because disclosure would cause a competitive disadvantage.

**Motion 01-009**

Moved by Commissioner Marsh, seconded by Commissioner Yorozu:

**The Commission grants the reporting modification for Douglas Shafer, as requested.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

*Richard L. Jones, Candidate  
King County Superior Court*

Mr. Stutzman reported that Mr. Jones requests an exemption from reporting business customers of his law practice, Richard Llewelyn Jones, P.S.

**Motion 01-010**

Moved by Commissioner Yorozu, seconded by Commissioner Marsh:

**The Commission grants a reporting modification to allow Richard Jones to satisfy the reporting requirements of RCW 42.17.241(1)(g)(ii) by identifying for the appropriate reporting period:**

**(a) The names of the reportable business clients for whom he has done legal work;**

- (b) Other reportable business clients of the law firm whose interests are significantly affected by the actions of King County Superior Court, whose identities become known to the applicant by any means;**
- (c) The names of the reportable business clients of the law firm listed in Martindale Hubbell, the firm's publicity brochures, the firm's resume, or whose identities are otherwise publicized; and**
- (d) All governmental clients that have done business with the law firm.**
- (e) This reporting modification is granted on the basis that the applicant is subject to Canons of Judicial Conduct, specifically the disqualification provisions of Canon 3(d) and that the applicant will disqualify himself as recommended by Canon 3(d).**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Renewals (with changes)

*Arch Miller, Commissioner  
Port of Vancouver*

Mr. Stutzman reported that Mr. Miller's request for an exemption from reporting business customers who reimburse students who pay tuition or room and board at his Air Academy along with his request for an exemption from reporting the investments of a court controlled trust for his minor daughter, was held over from the May 23, 2000 meeting to clarify questions regarding the trust.

Mr. Stutzman said that the request for the Air Academy is for a renewal of a previously granted modification. For the trust that the court ordered,

Mr. Stutzman noted that Mr. Miller's spouse is a co-trustee.

**Motion 01-011**

Moved by Commissioner Brady, seconded by Commissioner Marsh:

**The Commission grants a limited reporting modification for International Air Academy, Inc, Academy Properties, Inc., and Academy Properties, Inc. for Arch Miller.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Renewals (no change)

*WA St Democratic Central  
Committee & WA St  
Republican Committee*

Mr. Stutzman reported that the Washington State Democratic Central Committee and the Washington State Republican Party are requesting an exemption from reporting details of bulk transfers to federal accounts to pay overhead and joint benefit expenditures.

Mr. Stutzman commented that both parties have received modifications since 1994 and staff has reviewed the reporting of the committees and have determined that both are in compliance with the terms of last year's modification.

**Motion 01-012**

Moved by Commissioner Brady, seconded by Commissioner Marsh:

**The Commission grants the renewal of the previous reporting modification for the Washington State Democratic Central Committee and the Washington State Republican Party.**



**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

Reconsideration

*Betsy Cowles, Board of Regents  
WA State University*

Mr. Stutzman reported that Ms. Cowles was granted a limited reporting modification at the May 23, 2000 meeting for non-profit organizations of which she and her spouse hold positions.

Ms. Cowles is requesting reconsideration of her request that she not be required to list all stocks and bonds that her family owns or list all customers of Cowles Publishing Company. In addition, she requests a modification that allows reporting by acreage and county for raw or timber land, and by street address, city, and county for all other real estate owned by Cowles Publishing Company.

**Motion 01-013**

Moved by Commissioner Cahill, seconded by Commissioner Locke:

**The Commission grants an additional reporting modification for Elizabeth Cowles regarding Cowles Publishing which owns the Spokesman-Review, Inland Empire Paper Co., KHQ TV, Pinacle Studios, Western Farmer Stockman, New Media Ventures and River Park Square and that she recuse herself as a Washington State University Regent from consideration of any matter concerning the reportable business customers of Cowles Publishing Company that may pose a conflict. Ms. Cowles may list total acres by county for timberland for real estate holdings of Cowles Publishing.**

**The Commission finds that literal application would cause a manifestly unreasonable hardship on the applicant and that a limited modification would not frustrate the purposes of the act.**

The motion passed unanimously.

City of Seattle & King County

Commissioner Yorozu commented that her husband contributed to the campaign for City Council Member Margaret Pageler, who was present at the meeting, and advised the Commission that she could make a fair and just decision.

Assistant Attorney General Steve Reinmuth reported on a petition for declaratory judgment by the City and County.

Staff urges the Commission to abide by WAC 390-12-250(9), which states:

*“The Commission will decline to consider a petition for a declaratory order or to issue an order when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.”*

Staff recommends the Commission decline to consider this request at this time because there is an investigation pending that involves a similar factual situation.

C. James Frush, Attorney representing the City, reported on questions brought forward in the petition to clarify “indirect lobbying” by local government agencies and added that the rule is too broad and guidance is requested. Also present to address the Commission in support of a declaratory opinion were; David Regnier, Deputy Prosecuting Attorney for King County; Sandy Cohen from the City Attorney’s Office; Tom

Beyers, Deputy Mayor; and Clifford Trayson, Director of Intergovernmental Relations.

Margaret Pageler, City Council President commented that elected officials feel that they are “muzzled” by the Public Disclosure Commission and are unable to communicate with their constituents appropriately.

Mr. Reinmuth noted that in 1998 there was a subcommittee of the city council that requested training regarding indirect lobbying in which Melissa Warheit, former PDC Executive Director, Carol VanNoy, Executive Director of the Seattle Ethics and Elections Commission, and Sue Donaldson, Seattle City Council Member, were on the panel. He also reported that the University of Washington requested a declaratory order as well, however, the order was heard after the enforcement proceedings were completed.

Commissioner Cahill commented that she presided over the University of Washington case and in that case, it was the unique authority given to regents by statute that allowed them to accept gifts and to use that “gifted” money, which was not considered to be public money because it came as an unrestricted gift to the University. Other public agencies do not have similar latitude, and this was a deciding factor of the Commission.

Chris Leman, complainant, commented that he filed the complaint following concerns over whether taxpayer resources were misused in violation of the Public Disclosure Act. He urged the Commission to proceed with the investigation and decline the petition.

Commissioner Brady emphasized that in the University of Washington case, staff had completed the investigation before the commission heard the petition for declaratory order. She suggested following the rule and moving forward with the investigation.

Mr. Frush requested the Commission consider the petition, which may resolve the need for an investigation.

Nancy Krier provided further background to the Commission, noting that the Commission is required to investigate complaints, provide consistency and reliability, and adopt rules including WAC 390-05-020 which sets forth general administrative policy that stresses uniformity by the Commission.

Commissioner Locke commented that it is reasonable for the city and county to request clarification and questioned the ability to conduct an investigation without resolving the underlying questions.

Commissioner Cahill noted that the scope of unanswered questions could broaden during an investigation and ultimately change the declaratory order petition.

**Motion 01-014**

Moved by Commissioner Brady, seconded by Commissioner Marsh:

**The Commission will continue investigation of case #00-875 and #00-876. Upon the conclusion of the enforcement process, the Commission will accept a petition for declaratory order regarding any remaining issues.**

Voting for: Commissioners Cahill, Yorozu, Brady and Marsh

Voting against: Commissioner Locke

The motion passed.

Commissioner Cahill adjourned the meeting at 4:05 p.m. The next meeting is scheduled for Tuesday, August 22, 2000.